

LEGISLATIVE BILL 1157

Approved by the Governor April 10, 2008

Introduced by Raikes, 25.

FOR AN ACT relating to education; to amend sections 79-758, 79-760.01, 79-760.02, 79-760.03, and 79-760.05, Revised Statutes Supplement, 2007; to change provisions relating to statewide assessment and reporting; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 79-758, Revised Statutes Supplement, 2007, is amended to read:

79-758 For purposes of the Quality Education Accountability Act:

(1) Assessment means the process of measuring student achievement and progress on state and locally adopted state-adopted standards;

(2) Assessment instrument means a test aligned with state and local standards that is designed to measure student progress and achievement; and

~~(3) Assessment portfolio means the compilation of assessment practices and procedures, assessment instruments, and national assessment instruments used by a school district in meeting assessment and reporting requirements; and~~

~~(4)~~ (3) National assessment instrument means a nationally norm-referenced test developed and scored by a national testing service.

Sec. 2. Section 79-760.01, Revised Statutes Supplement, 2007, is amended to read:

79-760.01 The State Board of Education shall adopt measurable ~~model~~ academic content standards for at least ~~three~~ the grade levels required for statewide assessment pursuant to section 79-760.03. The standards shall cover the subject areas of reading, writing, mathematics, science, and social studies. The standards adopted shall be sufficiently clear and measurable to be used for testing student performance with respect to mastery of the content described in the state standards. The State Board of Education shall develop a plan to review and update standards for each subject area every five years. The state board shall review and update the standards in reading by July 1, 2009, the standards in mathematics by July 1, 2010, and the standards in all other subject areas by July 1, 2013. The state board plan shall include a review of commonly accepted standards adopted by school districts.

Sec. 3. Section 79-760.02, Revised Statutes Supplement, 2007, is amended to read:

79-760.02 In accordance with timelines that are adopted by the State Board of Education, but in no event later than one year following the adoption or modification of state standards, each school district shall adopt measurable quality academic content standards in the subject areas of reading, writing, mathematics, science, and social studies. The standards may be the same as, or may be equal to or exceed in rigor, the measurable ~~model~~ academic content standards adopted by the state board and shall cover at least the same grade levels. School districts may work collaboratively with educational service units, with learning communities, or through interlocal agreements to develop such standards. Educational service units and learning communities shall develop a composite set of standards shared by member school districts. ~~The State Department of Education shall adopt and promulgate appropriate rules and regulations to insure the rigor of the measurable quality academic content standards.~~

Sec. 4. Section 79-760.03, Revised Statutes Supplement, 2007, is amended to read:

79-760.03 (1) For school year 2009-10 and each school year thereafter, the State Board of Education shall implement a statewide system for the assessment of student learning and for reporting the performance of school districts and learning communities pursuant to this section. The assessment and reporting system shall measure student knowledge of subject matter materials covered by measurable academic content standards selected by the state board.

(2) The state board shall adopt a plan for an assessment and reporting system and implement and maintain the assessment and reporting system according to such plan. The plan shall be submitted annually to the State Department of Education, the Governor, the chairperson of the Education Committee of the Legislature, and the Clerk of the Legislature. The state board shall select ~~three~~ grade levels for assessment and reporting required pursuant to subsections (4) through (7) of this section. The purposes of the system are to:

(a) Determine how well public schools are performing in terms of achievement of public school students related to the state academic content standards;

(b) Report the performance of public schools based upon the results of state assessment instruments and national assessment instruments;

(c) Provide information for the public and policymakers on the performance of public schools; and

(d) Provide for the comparison among Nebraska public schools and the comparison of Nebraska public schools to public schools elsewhere.

(3) The Governor shall appoint a technical advisory committee to review the statewide assessment plan and state assessment instruments developed under the Quality Education Accountability Act. The technical advisory committee shall consist of three nationally recognized experts in educational assessment and measurement, one administrator from a school in Nebraska, and one teacher from a school in Nebraska. The members shall serve terms of three years, except that two of the members shall be appointed for initial terms of two years. Any vacancy shall be filled by the Governor for the remainder of the term. One of the members shall be designated as chairperson by the Governor. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The committee shall advise the Governor, the state board, and the State Department of Education on the development of statewide assessment instruments and the statewide assessment plan. The appointments to the committee shall be confirmed by the Legislature.

~~(3)~~ (4) The state board shall prescribe a statewide assessment of writing that relies on writing samples in each of three grades selected by the state board. Each year at least one of the three selected grades shall participate in the statewide writing assessment with each selected grade level participating at least once every three years.

~~(4)~~ (5) For school year 2009-10 and for each school year thereafter, the state board shall prescribe a statewide assessment of reading, that is based on model assessments developed pursuant to section 79-760. The reading assessment instruments shall be developed in collaboration with educational service units and be approved by a majority of the educational service unit administrators. The statewide assessment of reading shall include assessment instruments for each of the grade levels three through eight and for one grade in high school and standards selected adopted by the state board pursuant to section 79-760.01.

~~(5)~~ (6) For no later than school year 2010-11 and for each school year thereafter, the state board shall prescribe a statewide assessment of mathematics, that is based on model assessments developed pursuant to section 79-760. The mathematics assessment instruments shall be developed in collaboration with educational service units and be approved by a majority of the educational service unit administrators. The statewide assessment of mathematics shall include assessment instruments for each of the grade levels three through eight and for one grade in high school and standards selected adopted by the state board pursuant to section 79-760.01. If no statewide assessment of mathematics is administered in school year 2009-10, school districts shall report mathematics assessment results in the same manner as such information was reported in school year 2008-09.

~~(6) School districts shall develop assessment portfolios. Such assessment portfolios may be developed through school district collaboration with educational service units and learning communities or through interlocal agreements. Educational service units shall conduct a peer review of local district assessments annually. Educational service units shall submit documentation of the district portfolios for review by the State Department of Education not more than once every three years. Assessment portfolios shall include all assessment instruments required by the state board and by the Quality Education Accountability Act.~~

~~(7) The department shall identify criteria for rating assessment instruments and assessment portfolios. The department shall establish statewide minimum proficiency levels for local assessments and shall include proficiency levels in the rating of assessment instruments and assessment portfolios. The department shall contract with independent, recognized assessment experts to review and rate locally developed assessment instruments and portfolios according to such criteria and proficiency levels.~~

(7) For no later than school year 2011-12 and each school year thereafter, the state board shall prescribe a statewide assessment of science. The statewide assessment of science shall include assessment instruments for each of the grade levels selected by the state board and standards adopted by the state board pursuant to section 79-760.01. The grade levels shall include at least one grade in elementary school, one grade in middle school or junior

high school, and one grade in high school.

(8) The department shall conduct studies to verify the technical quality of assessment instruments and demonstrate the comparability of assessment instrument results required by the Quality Education Accountability Act, act. The department shall annually report such findings to the Governor, the Legislature, and the State Board of Education, state board.

(9) The State Board of Education state board shall recommend national assessment instruments for the purpose of national comparison. Each school district shall include national assessment instruments in its assessment portfolio, report individual student data for scores and sub-scores according to procedures established by the state board and the department pursuant to section 79-760.05.

(10) The aggregate results of assessment instruments and national assessment instruments shall be reported by the district on a building basis to the public in that district, to the learning community coordinating council if such district is a member of a learning community, and to the department. Each learning community shall also report the aggregate results of any assessment instruments and national assessment instruments to the public in that learning community and to the department. The department shall report the aggregate results of any assessment instruments and national assessment instruments on a learning community, district, and building basis as part of the statewide assessment and reporting system.

(11) (a) The assessment and reporting plan shall:

(i) Provide for the confidentiality of the results of individual students; and

(ii) Include all public schools and all public school students.

(b) The state board shall adopt criteria for the inclusion of students with disabilities, students entering the school for the first time, and students with limited English proficiency.

The department may determine appropriate accommodations for the assessment of students with disabilities or any student receiving special education programs and services pursuant to section 79-1139. Alternate academic achievement standards in reading, mathematics, and science and alternate assessment instruments aligned with the standards may be among the accommodations for students with severe cognitive disabilities.

(12) The state board may select additional grade levels and additional subject areas for statewide assessment instruments to comply with federal requirements.

(13) The state board shall not require school districts to administer assessments or assessment instruments other than as prescribed by the act.

(14) The state board shall appoint committees of teachers, from each appropriate subject area, and administrators to assist in the development of statewide assessment instruments required by the act.

Sec. 5. Section 79-760.05, Revised Statutes Supplement, 2007, is amended to read:

79-760.05 (1) The State Board of Education shall implement a statewide system for tracking individual student achievement, using the student identifier system of the State Department of Education, that can be aggregated to track student progress by demographic characteristics, including, but not limited to, race, poverty, high mobility, attendance, and limited English proficiency, on available measures of student achievement which include, but need not be limited to, national assessment instruments, and state assessment instruments. ~~local assessment instruments, and other similar measures.~~ Such a system shall be designed so as to aggregate student data by available educational input characteristics, which may include class size, teacher education, teacher experience, special education, early childhood programs, federal programs, and other targeted education programs. School districts shall provide the department with individual student achievement data as requested from assessment instruments required pursuant to section 79-760.03 in order to implement the statewide system.

(2) The department and the coordinator appointed pursuant to section 79-11,150 shall annually analyze and report on student achievement for the state, each school district, and each learning community aggregated by the demographic characteristics described in subsection (1) of this section. The department shall report the findings to the Governor, the Legislature, school districts, educational service units, and each learning community. Such analysis shall include aggregated data that would indicate differences in achievement due to available educational input characteristics described in subsection (1) of this section. Such analysis shall include indicators of progress toward state achievement goals for students in poverty, limited English proficient students, and highly mobile students according to the plan

developed by the coordinator pursuant to section 79-11,150.

Sec. 6. Original sections 79-758, 79-760.01, 79-760.02, 79-760.03, and 79-760.05, Revised Statutes Supplement, 2007, are repealed.